

HOUSE BILL 9005

By Zachary

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to uniform standards for persons subject to  
COVID-19 face covering requirements in schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 50, is amended by adding  
the following as a new part:

**49-50-1801.** As used in this part:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus  
disease 2019, commonly referred to as COVID-19, including any mutation of SARS-  
CoV-2 or COVID-19;

(2) "Health officer" means a county health officer, as described in title 68,  
chapter 2, part 6; a district health director, as described in § 68-2-704; and any other  
state, district, municipal, or county health officer; and

(3) "Mask" means a material used to cover the nose and mouth of a person to  
impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other  
intentional or involuntary action to prevent or reduce the spread of COVID-19.

**49-50-1802.**

(a) Notwithstanding chapter 2, part 2 of this title; chapter 13 of this title; an order  
of a health officer pursuant to title 68 or § 4-3-1803; an order of a mayor pursuant to a  
private act or local resolution or ordinance; or an executive order issued by the governor  
pursuant to § 58-2-107, a local board of education or public school shall not mandate or  
require students, teachers, or employees to wear a mask.

(b)

(1) A public school shall, to the extent practicable, provide a reasonable accommodation to a student, teacher, or employee of the public school who:

(A) Desires to be placed in an educational setting in which all persons who may come within six feet (6') of another within that educational setting are wearing a mask; and

(B) Provides a written request for a reasonable accommodation to the school principal. If the student seeking a reasonable accommodation under this subsection (b) is under eighteen (18) years of age, then the student's parent or legal guardian must provide the written request for the accommodation to the school principal on the student's behalf.

(2) The school principal shall evaluate the request on behalf of the public school and, to the extent practicable, provide a reasonable accommodation. The principal shall issue a decision approving or denying the request in writing. If the principal denies the request, then the grounds for denial must be provided in the principal's written decision. If the school principal approves the request, then the school may place the student, teacher, or employee in an in-person educational setting in which all persons who may come within six feet (6') of another within that educational setting are wearing a mask provided by the public school that meets the U.S. National Institute for Occupational Safety and Health N95 classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing the SARS-CoV-2 virus, or a variant of the SARS-CoV-2 virus.

(3) This section does not prohibit a local board of education or public school from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.).

(c)

(1) A local board of education or public school shall not use state funds to mandate or require students to wear a mask in violation of subsection (a). If a local board of education or public school violates this subdivision (c)(1), then the commissioner of education may withhold future distributions of public school funds from the LEA or public charter school in the amount of the state funds used by the local board of education or public charter school in violation of this subdivision (c)(1), or the attorney general and reporter may initiate legal proceedings to recover all state funds used in violation of this subdivision (c)(1).

(2) A local board of education or public school that violates subdivision (c)(1) is not eligible to receive an appropriation, grant, or other funds from this state until the local board of education or public school is in compliance.

(3) This subsection (c) does not prohibit a local board of education or public school from using state funds to purchase a mask that meets the U.S. National Institute for Occupational Safety and Health N95 classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing the SARS-CoV-2 virus, or a variant of the SARS-CoV-2 virus, for students, teachers, or employees who receive a reasonable accommodation pursuant to subsection (b).

SECTION 2. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.